

1 Mark E. Ellis - 127159
2 June D. Coleman - 191890
3 ELLIS, COLEMAN, POIRIER, LAVOIE, & STEINHEIMER LLP
4 555 University Avenue, Suite 200 East
5 Sacramento, CA 95825
6 Tel: (916) 283-8820
7 Fax: (916) 283-8821

Attorneys for
DEFENDANTS DOUGLAS MACKINNON AND MARK BOHN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 JO ANNE GRAFF,
12 PLAINTIFF
13 v.

14 LAW OFFICES OF DOUGLAS R. BURGESS,
15 LLC, a New York limited liability company,
16 DOUGLAS ROBERT BURGESS, individually
17 and his official capacity, UNITED STATES
CREDIT AGENCY, LLC, F/K/A FIRST
AMERICAN INVESTMENT COMPANY,
LLC. ET AL.

18 DEFENDANTS.

Case No.: C08-01821 JW

**DECLARATION OF DOUGLAS
MACKINNON RE: LACK OF PERSONAL
JURISDICTION**

DATE: September 15, 2008
TIME: 9:00 a.m.
CRTRM: 8, 4th Floor
JUDGE: Honorable James Ware

I, Douglas MacKinnon, declare that:

21 1. I am a New York resident and a party in the above referenced matter. I have personal
22 knowledge of the information set forth herein below, unless noted as based on information and belief,
23 all of which is true and correct of my own personal knowledge, and if called upon to testify, I could
24 and would competently testify thereto.

25 2. I am not an owner, officer, or employee of LAW OFFICES OF DOUGLAS R.
26 BURGESS, LLC, DOUGLAS ROBERT BURGESS, UNITED STATES CREDIT AGENCY, LLC,
27 F/K/A FIRST AMERICAN INVESTMENT COMPANY, LLC ("the other named defendants").

3. I am an investor who owns, with others, an investment company. This company invests

in various companies, including some that purchase debt portfolios. This company is also a limited liability company.

3 4. I do not manage or control the operations of any of the other named defendants.

4 5. I am not, nor have I ever been, directly involved in the day to day operations of the
5 other named defendants.

6 6. On behalf of the other named defendants, I do not, nor have I ever, managed or trained
7 the collectors employed by or associated with the other named defendants.

8 7. I do not, nor have I ever, reviewed or supervised the review of collection accounts on
9 behalf of the other named defendants.

10 8. I did not direct the collection activity against Ms. Graff.

11 9. I do not have any contact with California, nor did I purposefully avail myself of
12 California's privileges by conducting business in California.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct and that this Declaration was executed on this 9th day of July 2008, in Sacramento,
15 California.

BPK

Douglas MacKinnon